

County of Santa Clara

Office of the Sheriff

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MEMORANDUM

Laurie Smith
Sheriff

TO: Laurie Smith, Sheriff

FROM: Captain David Sepulveda
Lieutenant Joseph Nguyen

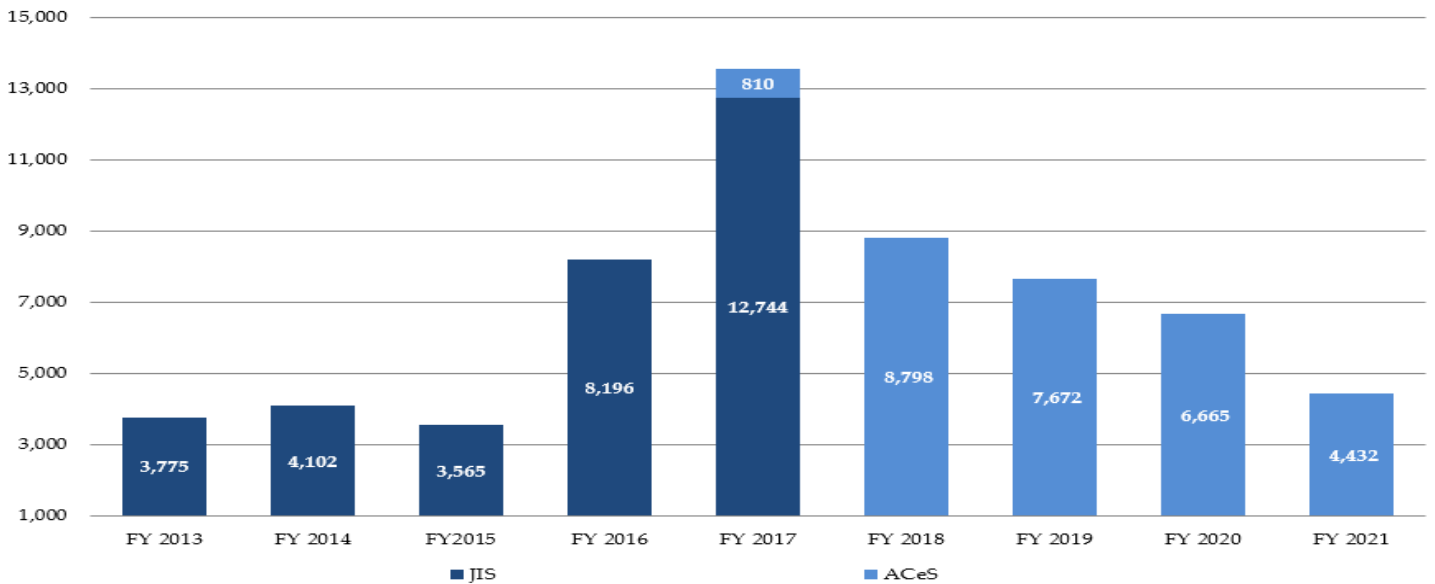
DATE: August 20, 2021

SUBJECT: Grievance and Appeals Unit Bi-Annual Statistics and Audit Report
January 1, 2021 through June 30, 2021

The Santa Clara County Sheriff's Office Custody Bureau utilized a paper-based grievance process prior to the implementation of the ACeS Inmate Grievance and Appeal Tracking System on June 5, 2017. Prior to this, data was inputted into an outdated Jail Information System (JIS) and often times, allegations were made by inmates that their grievances were either lost or not routed correctly due to a pony mail system. As part of her Jail Reform Plan, Sheriff Laurie Smith not only automated the grievance process with the ACeS System, but created a first of its kind Grievance Unit to formally facilitate this due process for all inmates. The goal was to implement a transparent inmate grievance process that provided inmates in custody a safe, secure, and easy to understand means to document and transmit complaints about the actions and inactions of custody staff, facilities and operations.

Along with the automation of the grievance process, secured lockboxes were installed in every housing unit which enhanced the inmate's ability to confidentially submit their grievances without fear of it being misplaced or retaliation by staff. In addition, professional staff (Management Analysts) were added for each facility to process and enter grievances into ACeS and were given the ability to immediately notify custody supervisors of any emergency or basic needs grievance so that they may be resolved as soon as possible. All other grievances will be routed to the appropriate business unit for expeditious action and meaningful responses. Grievance Unit Management Analysts were also tasked with preparing statistical trend reports for Sheriff's Office Command Staff and Business Unit Managers for routine review and action. The following statistical analysis is based on data from January 1, 2021 to June 30, 2021.

Figure 1
Annual Inmate Submission Totals
Eight Year Statistics
Fiscal Year 2013 through Fiscal Year 2021



Historical Grievance Volume Compared to Current

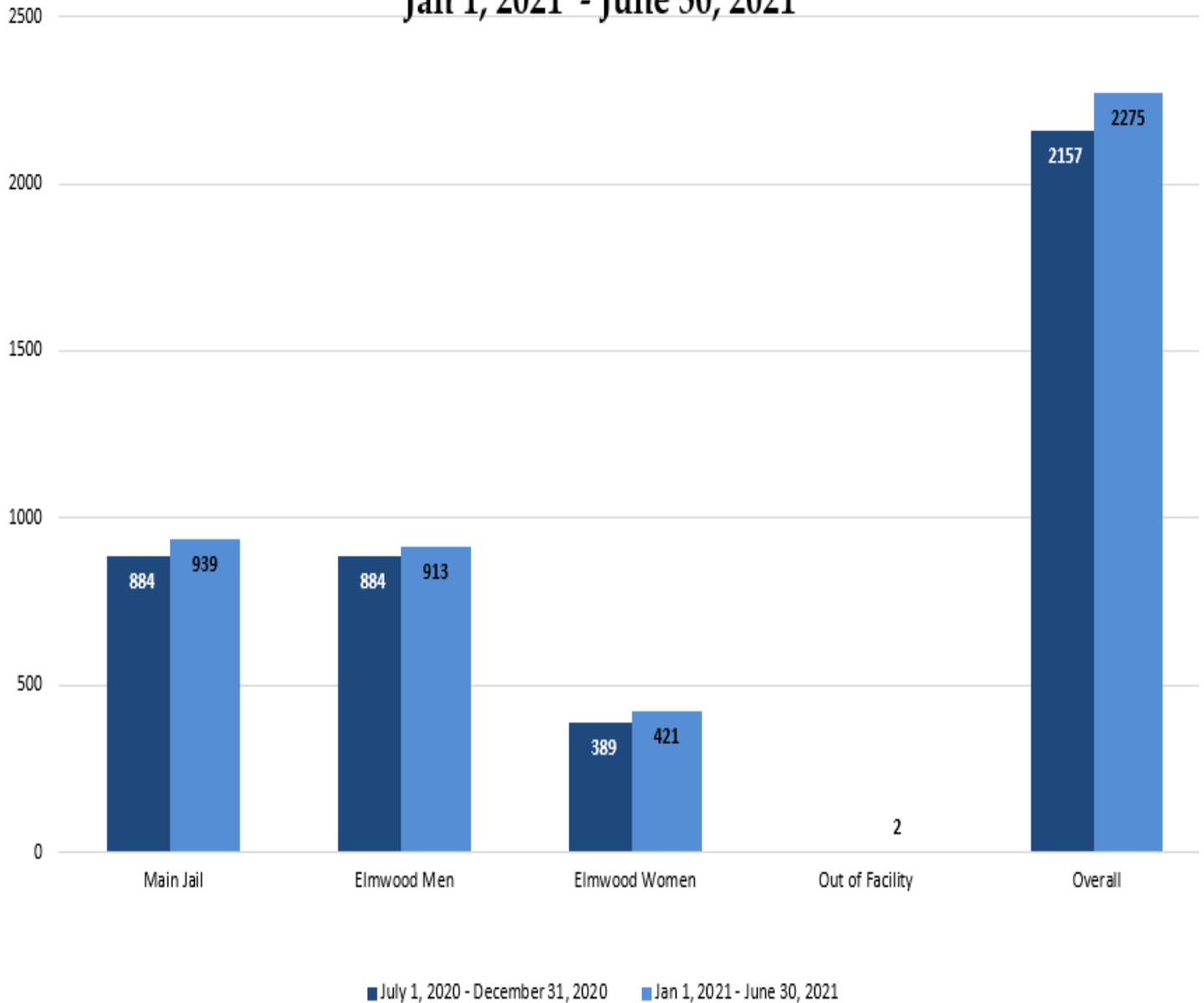
The chart above, *Figure 1*, depicts the total grievance submissions for Fiscal Year 2013 through Fiscal Year 2021. Since the ACeS Grievance Tracking System was initiated on June 5, 2017, the grievances have been semi-electronically processed and tracked. ACeS has improved and strengthened our grievance system dramatically. Prior to ACeS all grievances (pre June 5, 2017, indicated in dark blue) were manually tracked in the antiquated legacy system known as JIS.

Between JIS and ACeS, Fiscal Year 2017 collected 13,554 total grievance submissions, the highest amount recorded since the department started collecting this data. As depicted above, there has been a consistent downtrend in submissions from its peak four years ago. A 63.7% decrease in grievance submissions occurred between Fiscal Year 2017 to Fiscal Year 2021.

With the Covid-19 pandemic still affecting the County’s Criminal Justice System and in an effort to prevent the spread of the virus, the inmate population has decreased drastically compared to previous years. The Average Daily Population (ADP) for the last 5 years are as follows: FY 2017 – 3,577, FY 2018 – 3,335, FY 2019 – 3,336, FY 2020 – 3,013, FY 2021 – 2,213. This has been a contributing factor to the downtrend of submitted grievances most notably during the COVID-19 pandemic.

Figure 2

Grievance Submissions by Facility Jan 1, 2021 - June 30, 2021



Inmate Grievance Volume by Facility

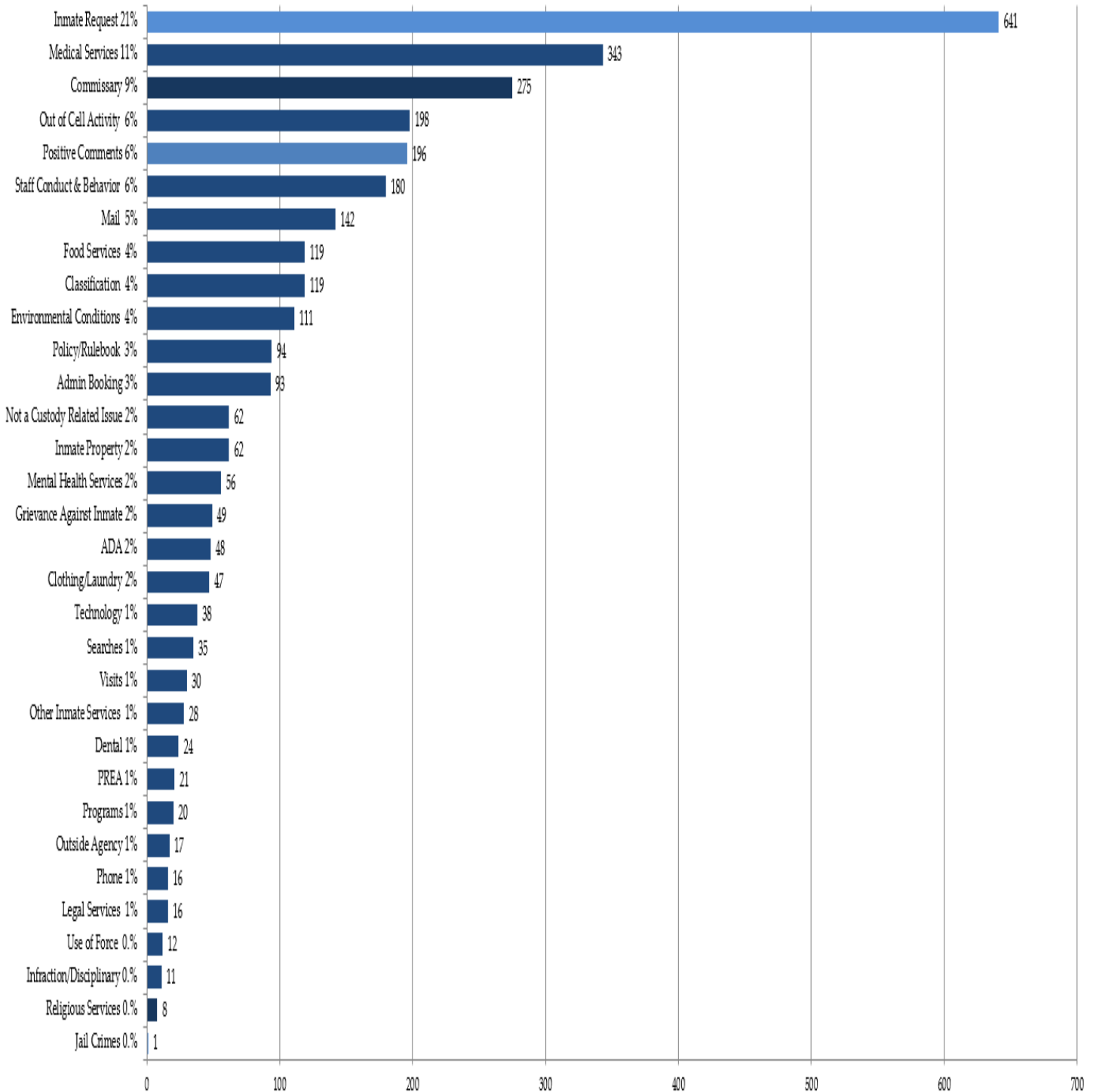
The chart above, *Figure 2*, illustrates all grievances processed for the first half of FY21 (indicated in dark blue) compared to the previous 6 months or the second half of FY21 (indicated in light blue) and by jail facility. The second half of FY21 experienced a 5.47% an overall increase in inmate grievance submissions when compared to the previous six months. The individual divisional statistics are as follows: Elmwood Women’s Facility increased by 8.2%, the Elmwood Men’s Facility increased by 3.2% and Main Jail North increased by 6.2%.

Figure 3

Grievance Totals By Category

Jan 1, 2021 through June 30, 2021

2275 Grievances + 641 Inmate Requests + 196 Positive Comments



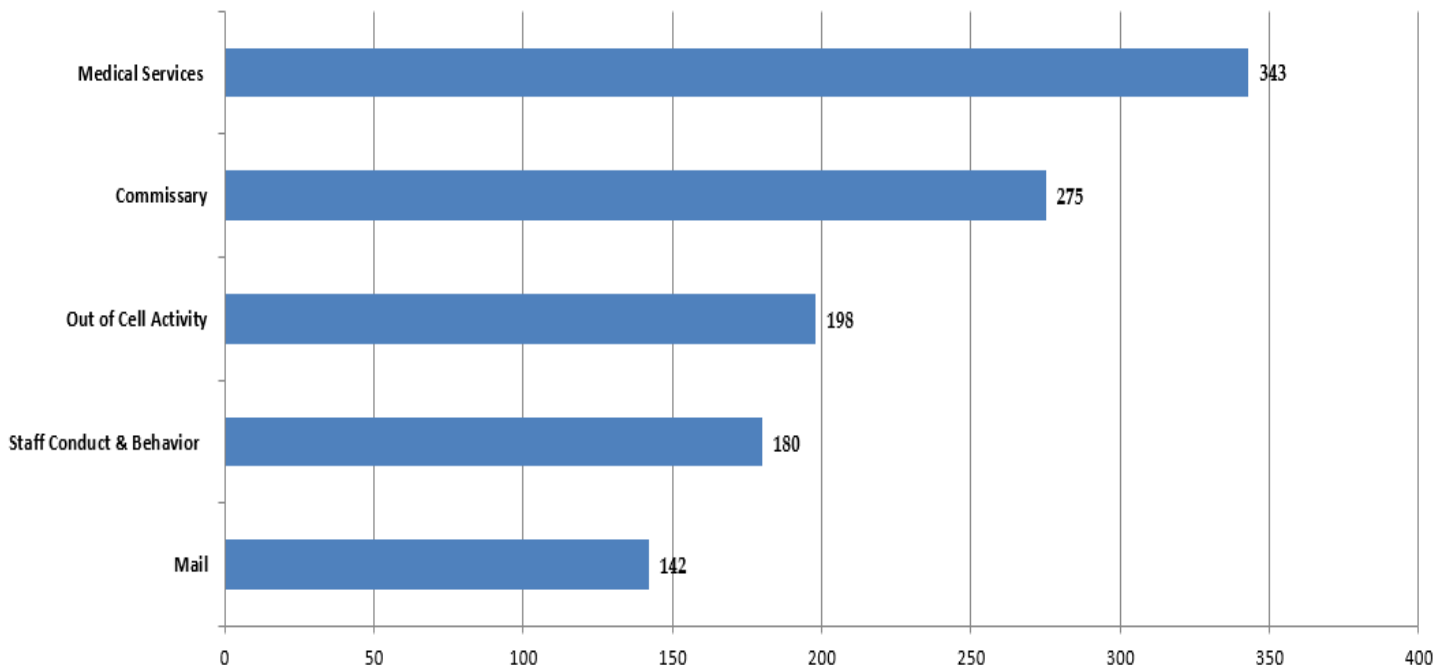
Inmate Grievance Volume By Category (Please refer to "Figure 3" on the previous page)

Inmates are able to grieve any condition of confinement, including policies, decisions, actions, conditions, or errors that have a physical consequence on health, safety, well-being, non-participation or access to programs over which the Sheriff's Office has control. In addition to the 2,275 grievances submitted for the first half of FY21, there were 641 "Inmate Requests" and 196 "Positive Comments" submitted by inmates that the Grievance Unit processed. While not considered to be inmate grievances, the Grievance Unit does formally track and process the Inmate Requests they receive and also communicates the Positive Comments back to the jail facilities. Appropriately, these two categories are not counted in the overall grievance statistics for our Grievance Reports. However, it should be noted that these two categories account for an additional 837 grievance submissions, which equates to 27% of all the work that the Grievance Unit processes.

The Top Five Grievance Categories (excluding the two non-grievance categories mentioned above) total 1,138 grievances, which is 50% of the total grievances submitted for the second half of FY21. These top five grievance categories are:

Figure 4

**Jan 1, 2021 through June 30, 2021
Top Five Grievance Categories**



Top 5 Grievance Categories *(Please refer to "Figure 4" on the previous page)*

"Medical Services" (#1) and "Commissary" (#2) remained the Top 2 Categories for the entire Calendar Year. These two categories accounted for 27% of all grievance submissions during the last 6 months.

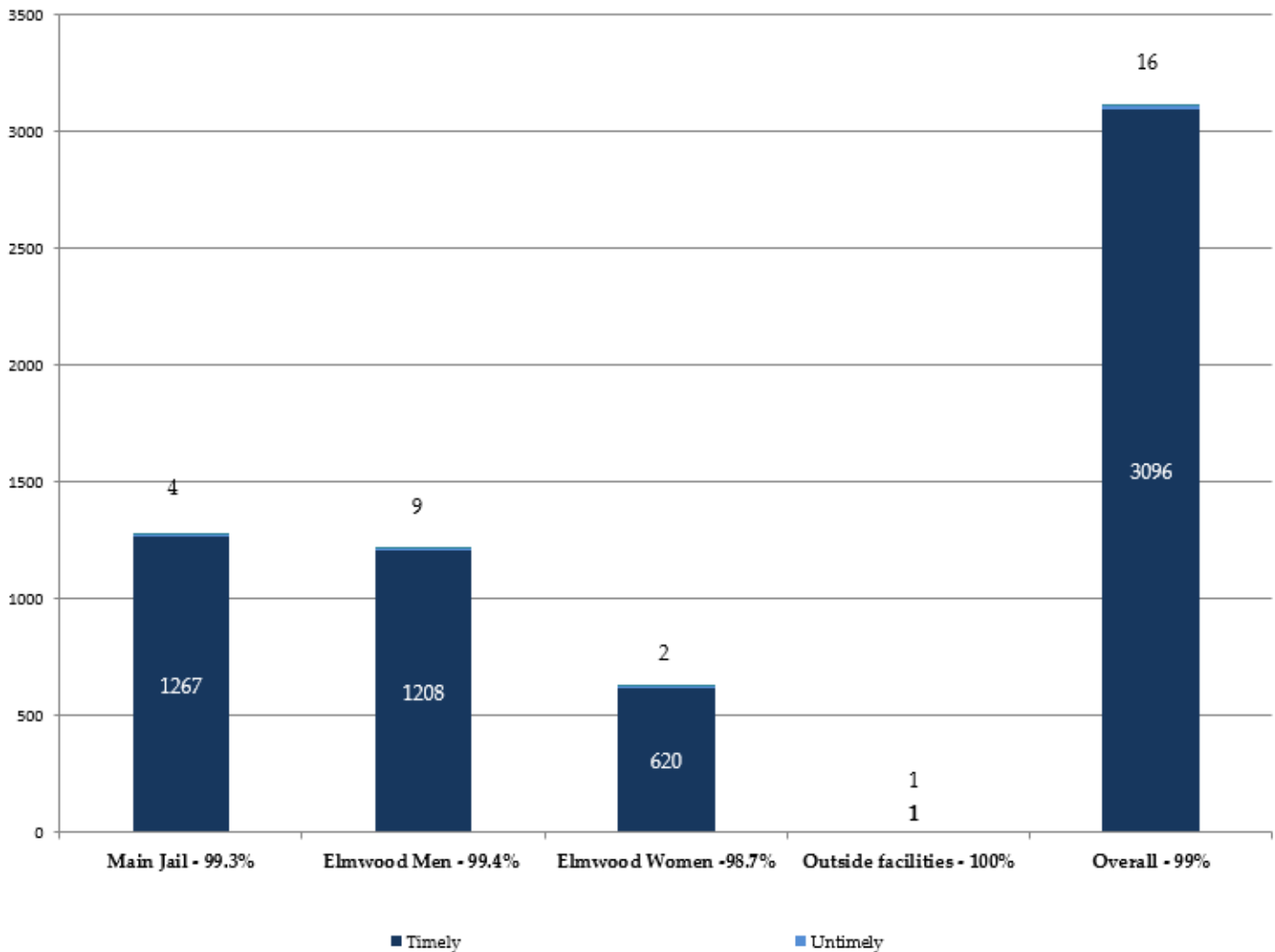
"Medical Services" was the #1 Most Frequently grieved category for the 2nd half of Fiscal Year 2021 with a slight 2.4% increase in submissions when compared to the previous 6 month period. Collaborative efforts between all Sheriff's Office Business Units continue as we work toward reducing the number of COVID-19 positive (C19+) cases inside the facilities. At the peak, there were 127 C19+ inmates on January 11, 2021. This number was reduced to 3 C19+ inmates by February 28, 2021 and zero C19+ inmates on June 30, 2021. Unfortunately, the action taken to reduce the spread of the virus resulted in increased complaints for Custody Health Services. In this case, success cannot be measured by the number of grievances submitted, rather it must be measured by the reduction of positive cases.

Commissary services were cancelled for two weeks in mid-March of 2020 and the department witnessed a spike in submission. Since the temporary suspension of commissary services last year, there have been many positive strides to resume services for the inmate population. In partnership with our vendor, all inmates in custody were provided one FREE self-stamped postcard by our vendor so they could write to their loved one. In addition, the iCare ordering website has been rotating seasonal packages that friends and family may order as an added benefit for the inmate population. As a part of the COVID recovery process, our commissary vendor has actively been working toward restoring pre-COVID staffing. The increased commissary staffing over the last few months has aided deputies in the weekly facilitation of commissary services and mitigating complaints at the point of distribution. When compared to the previous 6 month period, grievances for the "Commissary" category decreased by 3.5%.

The Grievance Unit also receives "Positive Comments" from inmates using the same submission system as grievances. During this six month review period there were 196 positive comments about staff submitted by inmates. "Staff Conduct" grievances accounted for 6% of all grievances submitted during this review period, while "Positive Comments" accounted for 6% as well. This statistic continues to show relationship between these two categories. There were 1.1 "Positive Comment" submitted for every "Staff Conduct" grievance.

Figure 5

Grievance Response Timeliness
Response Provided <30 Days from Date of Grievance
January 1, 2021 through June 30, 2021

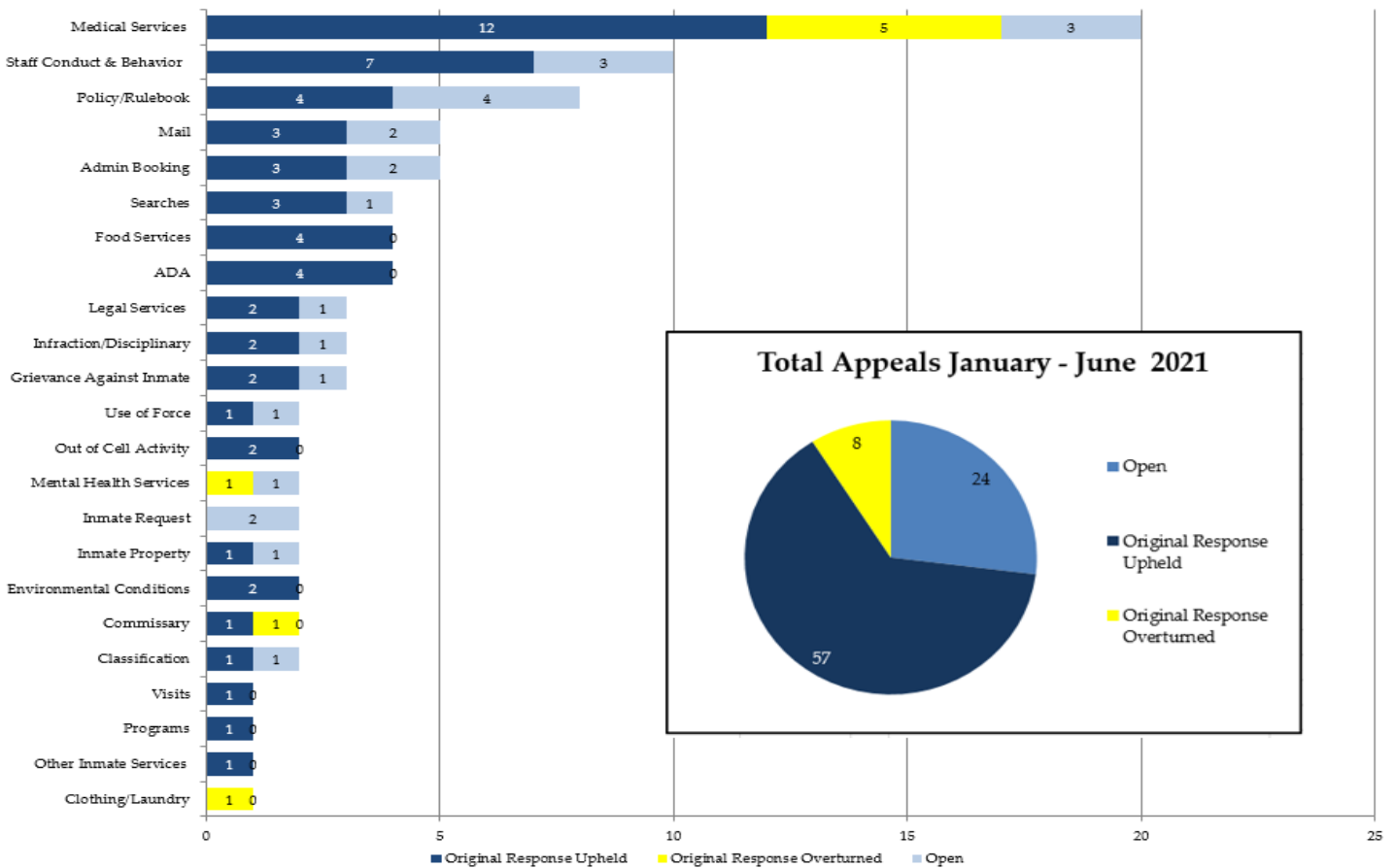


Grievance Response Timeliness (Please refer to "Figure 5" above)

Figure 5 highlights all grievances tracked through ACeS, including "Inmate Requests" and "Positive Comments." Although those two categories are not considered true grievances, the Grievance Unit collects, processes and tracks any and all submissions from inmates. Once entered into ACeS, the Grievance Unit has a goal to respond to all grievances meaningfully within 30 days. Some grievances necessitate further investigative measures in order to provide a resolution for the inmate. Thus, achieving the 100% timeliness objective might not always be feasible. For this review period, 99% of all submitted grievances were answered and returned back to the inmate within 30 days of their submission date.

Figure 6

**Grievance Appeal Dispositions
Original Response Upheld vs Original Response Overturned
by Category - 89 Appeals
January 01 through June 30, 2021**



Grievance Appeals (Please refer to “Figure 6” above)

The Grievance Appeal process allows an inmate the opportunity to contest the original disposition of a grievance. Inmates are allowed one appeal per grievance and it must be submitted within 30 calendar days of receiving the grievance disposition. Once the appeal is entered into ACeS, management from the pertinent Custody Division or Business Unit will evaluate both the appeal information and the original grievance response to ensure a meaningful resolution was achieved. If management determines that the resolution was not effective or sufficient then they will overturn the original disposition and seek the proper resolution. Conversely, if management determines that the matter was properly resolved then the original disposition will be upheld. Out of 2,275 submitted grievances for the second half of FY21, 89 or 3.9% of all dispositions were challenged by the grievant and 9% or 8 were overturned and provided a new resolution.

Conclusion

Sheriff Smith listed many recommendations in her 54-page Jail Reform Plan on March 16, 2016. Of the 13 categories listed, improving and strengthening the Grievance Process was included in her Jail Reform Plan to the Board of Supervisors. Many proposals were detailed in Sheriff Smith's plan and within six months, 112 lockboxes were installed in every housing, a simple multi-lingual grievance form was created, a Grievance Unit was established, and a training module was developed to educate custody staff on how to process grievances electronically through the ACeS Grievance Tracking System. All recommendations were met and implemented including the acquisition of inmate tablet devices capable of allowing inmates to electronically file grievances and request forms.

On May 28th, the Sheriff's Office began a proof-of-concept (pilot) deployment of inmate tablets at the Main Jail. The tablets contain several applications such as; an educational platform, the ability to submit Inmate Request Forms, Grievance Forms, and commissary ordering, access to the Inmate Rulebook, religious books, e-books, entertainment (movies and television shows, games, and telephone services. On June 29th, a second pilot deployment began at the Elmwood Women's Facility followed by continuous rollouts at both the Main Jail and Elmwood Complexes. Full deployment of tablets will be complete at the Main Jail by the end of August and by the end of September for the Elmwood Complex. The Grievance Unit will continue to monitor the "Technology" grievance complaints as they arise and will inform the Sheriff's Administration, as necessary, to measure the effectiveness of the tablet deployments.

CC: Kenneth Binder, Undersheriff
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Dalia Rodriguez, Assistant Sheriff
Mike Doty, Assistant Sheriff
Mark Padget, Captain, Elmwood Division
Thomas Duran, Captain, Support Services Division
Christopher Grumbos, Captain, Personnel Unit
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Frank Zacharisen, Captain, Administrative Services Division
All Support Unit Managers
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